



General Assembly

Amendment

February Session, 2012

LCO No. 5452

HB0555605452SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

SEN. FASANO, 34th Dist.

SEN. MCLACHLAN, 24th Dist.

To: House Bill No. 5556

File No.

Cal. No.

(As Amended)

***"AN ACT CONCERNING CHANGES TO CAMPAIGN FINANCE
LAWS AND OTHER ELECTION LAWS."***

-
- 1 Strike subdivision (6) of subsection (e) of section 8 in its entirety
- 2 Strike subsection (c) of section 9 in its entirety and substitute the
- 3 following in lieu thereof:
- 4 "(c) No business entity, organization, association, committee, or
- 5 group of two or more individuals who have joined solely to promote
- 6 the success or defeat of a referendum question shall make or incur any
- 7 expenditure for any written, typed or other printed communication
- 8 which promotes the success or defeat of any referendum question
- 9 unless such communication bears upon its face, as a disclaimer, the
- 10 words "paid for by" and the following: (1) In the case of a business
- 11 entity, organization or association, the name of the business entity,

12 organization or association and the name of its chief executive officer
13 or equivalent and a list of at least five of the donors whose donations,
14 in the aggregate, are in the top five largest amounts to the entity
15 during the two years preceding the expenditure and an address to an
16 Internet web site that lists all donors subject to disclosure under said
17 section 9-612 and such donors' addresses; (2) in the case of a political
18 committee, the name of the committee and the name of its [campaign]
19 treasurer; (3) in the case of a party committee, the name of the
20 committee; or (4) in the case of such a group of two or more
21 individuals, the name of the group and the name and address of its
22 agent."

23 Strike subsection (h) of section 9 in its entirety and substitute the
24 following in lieu thereof:

25 "(h) (1) No individual or entity shall make or incur an independent
26 expenditure for any written, typed or other printed communication,
27 including on a billboard, or any web-based, written communication,
28 [that promotes the success or defeat of any candidate for nomination
29 or election or promotes or opposes any political party or solicits funds
30 to benefit any political party or committee,] unless such
31 communication bears upon its face, as a disclaimer, the words "Paid
32 for by" and, in the case of an individual, the name and address of such
33 individual, or, in the case of an entity, the name of the entity, the name
34 of its chief executive officer or equivalent, and its principal business
35 address. [and] The communication shall also bear upon its face the
36 words "This message was made independent of any candidate or
37 political party.". In the case of an entity making or incurring such an
38 independent expenditure, [which entity is a tax-exempt organization
39 under Section 501(c) of the Internal Revenue Code of 1986, or any
40 subsequent corresponding internal revenue code of the United States,
41 as amended from time to time, or an incorporated tax-exempt political
42 organization organized under Section 527 of said code, such
43 communication shall also bear upon its face the words "Top Five
44 Contributors" followed by a list of the five persons or entities making
45 the largest contributions to such organization during the twelve-month

46 period before the date of such communication] such communication
47 shall also bear upon its face at least five of the donors to the entity
48 making such communication whose donations, in the aggregate, are in
49 the top five largest amounts to the entity during the two years
50 preceding the expenditure and an address to an Internet web site that
51 lists all donors subject to disclosure under said section 9-612 and such
52 donors' addresses.

53 (2) In addition to the requirements of subdivision (1) of this
54 subsection, no individual or entity shall make or incur an independent
55 expenditure for [television advertising or Internet video advertising,
56 that promotes the success or defeat of any candidate for nomination or
57 election or promotes or opposes any political party or solicits funds to
58 benefit any political party or committee] a video broadcast by
59 television, satellite or Internet, unless at the end of such advertising
60 there appears simultaneously, for a period of not less than four
61 seconds as a disclaimer, (A) a clearly identifiable video, photographic
62 or similar image of the individual or the entity's chief executive officer
63 or equivalent, and (B) a personal audio message, in the following form:
64 "I am (name of the individual or entity's chief executive officer or
65 equivalent), (title) of (entity). This message was made
66 independent of any candidate or political party, and I approved its
67 content.". In the case of an entity making or incurring such an
68 independent expenditure, [which entity is a tax-exempt organization
69 under Section 501(c) of the Internal Revenue Code of 1986, or any
70 subsequent corresponding internal revenue code of the United States,
71 as amended from time to time, or an incorporated tax-exempt political
72 organization organized under Section 527 of said code, such
73 advertising shall also include a written message in the following form:
74 "The top five contributors to the organization responsible for this
75 advertisement are" followed by a list of the five persons or entities
76 making the largest contributions during the twelve-month period
77 before the date of such advertisement] such communication shall also
78 include a written message listing at least five of the donors to the entity
79 whose donations, in the aggregate, are in the top five largest amounts

80 to the entity during the two years preceding the expenditure and an
81 address to an Internet web site that lists all donors subject to disclosure
82 under said section 9-612 and such donors' addresses.

83 (3) In addition to the requirements of subdivision (1) of this
84 subsection, no individual or entity shall make or incur an independent
85 expenditure for [radio advertising or Internet audio advertising, that
86 promotes the election or defeat of any candidate for nomination or
87 election or promotes or opposes any political party or solicits funds to
88 benefit any political party or committee] an audio communication
89 broadcast by radio, satellite or Internet, unless the advertising ends
90 with a disclaimer that is a personal audio statement by the individual
91 or entity's chief executive officer or equivalent (A) identifying the
92 individual or entity paying for the expenditure, and (B) indicating that
93 the message was made independent of any candidate or political party,
94 using the following form: "I am (name of individual or entity's chief
95 executive officer or equivalent), (title), of (entity). This message
96 was made independent of any candidate or political party, and I
97 approved its content.". In the case of an entity making or incurring
98 such an independent expenditure, [which entity is a tax-exempt
99 organization under Section 501(c) of the Internal Revenue Code of
100 1986, or any subsequent corresponding internal revenue code of the
101 United States, as amended from time to time, or an incorporated tax-
102 exempt political organization organized under Section 527 of said
103 code, such advertising shall also include (i) an audio message in the
104 following form: "The top five contributors to the organization
105 responsible for this advertisement are" followed by a list of the five
106 persons or entities making the largest contributions during the twelve-
107 month period before the date of such advertisement, or (ii) in the case
108 of such an advertisement that is thirty seconds in duration or shorter,
109 an audio message providing a web site address that lists such five
110 persons or entities. In such case, the organization shall establish and
111 maintain such a web site with such listing for the entire period during
112 which such organization makes such advertisement] such
113 communication shall end with a list of at least five of the donors to the

114 entity making such communication whose donations, in the aggregate,
115 are in the top five largest amounts to the entity during the two years
116 preceding the expenditure and an address to an Internet web site that
117 lists all donors subject to disclosure under said section 9-612 and such
118 donors' addresses.

119 (4) In addition to the requirements of subdivision (1) of this
120 subsection, no individual or entity shall make or incur an independent
121 expenditure for [automated] telephone calls, [that promote the election
122 or defeat of any candidate for nomination or election or promotes or
123 opposes any political party or solicits funds to benefit any political
124 party or committee] including those which are automated, unless the
125 narrative of the telephone call identifies the individual or entity
126 making the expenditure and its chief executive officer or equivalent [.
127 In the case of an entity making or incurring such an independent
128 expenditure, which entity is a tax-exempt organization under Section
129 501(c) of the Internal Revenue Code of 1986, or any subsequent
130 corresponding internal revenue code of the United States, as amended
131 from time to time, or an incorporated tax-exempt political organization
132 organized under Section 527 of said code, such narrative shall also
133 include an audio message in the following form: "The top five
134 contributors to the organization responsible for this telephone call are"
135 followed by a list of the five persons or entities making the largest
136 contributions during the twelve-month period before the date of such
137 telephone call] and such narrative ends with a list of at least five of the
138 donors to the entity making such telephone call whose donations, in
139 the aggregate, are in the top five largest amounts to the entity during
140 the two years preceding the expenditure and an address to an Internet
141 web site that lists all donors subject to disclosure under said section 9-
142 612 and such donors' addresses."

143 Strike subsection (j) of section 9 in its entirety and substitute the
144 following in lieu thereof:

145 "(j) Notwithstanding the provisions of this section, any entity that is
146 required under the provisions of this section to list or identify donors

147 in any disclaimer made in the case of an independent expenditure shall
148 list such donors as individuals. In any case where a donor is another
149 entity that made a covered transfer to such entity, then the individual
150 donors to the entity making the covered transfer shall also be listed in
151 any required Internet web site listing, and, if any such individual
152 donor is a donor to the entity making the independent expenditure
153 whose donations, in the aggregate, are in the top five largest amounts
154 to the entity during the two years preceding the expenditure, then at
155 least five of such individual donors shall be listed pursuant to the
156 provisions of this section."